

REMARKS/ARGUMENTS

This is in response to the Final Office Action dated Nov 17th, 2006.

No claims are amended, no claims are cancelled, and no claims are added; as a result, claims 1-4, 6, and 9-10 are now pending in this application.

Priority

Enclosed herein is a copy of English translation of Taiwanese application as required by 35 U.S.C. 119(b).

The 35 U.S.C. §103 Rejection

Claims 1-4, 6, and 9-10 are rejected under U.S.C 103(a) as being unpatentable over Ebert, et. al (U.S. 2003/0147926) in view of Ikeda, et al. (U.S. 6,207,184).

Applicant traverses the rejection and submits that *prima facie* obviousness has not been established. Applicant submits that the proposed combination of Ebert and Ikeda does not teach or fairly suggest the elements recited in the claims.

Applicant is unable to find a teaching or disclosure of using diisopropanolamine as pH adjuster in the topical gel formulation of oxybutynin in the proposed combination. Applicant notes that the cited Ikeda patent discloses a hydrophilic plaster which points to a very different composition from elements recited in the instant application. Thus, they are not properly combinable in the manner proposed. For instance, Ikeda et al. teach a hydrophilic adhesive mass (hydrolytic plaster) that contains a copolymer of an aminoalkyl (meth)acrylate and an alkyl (meth)acrylate. Ikeda et al. further disclose that the hydrophilic adhesive mass can be optionally incorporated with various additives, such as diisopropanolamine. In contrast, the claimed subject matter refers to the use of the diisopropanolamine as pH adjuster in the topical gel formulation of oxybutynin, not to the use of the hydrolytic plaster. It appears that the asserted motivation concerning the proposed combination of Ebert and Ikeda is improper.

Applicant further submits that it would not have been obvious to the skilled artisan to select diisopropanolamine as pH adjuster in a transdermal formulation comprising oxybutynin to

improve the homogeneity and stability of the oxybutynin gel formulation from the teachings of the references even if they can be combined.

For these reasons, it appears that *prima facie* obviousness has not been established. Reconsideration and allowance of Claims 1-4, 6, and 9-10 are respectfully requested.

Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance, and notification to that effect is requested. The Examiner is invited to telephone Applicant's undersigned representative if there are any questions relating to this submission.

Respectfully submitted,

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